

**CITY PLANNING COMMISSION
MINUTES
NOVEMBER 10, 2009**

1. **CALL TO ORDER** – Rew called the meeting to order at 6:00 p.m.

2. **ROLL CALL**

Members Present: Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, VanHouten and White.
Absent: Schoeppner
Staff: Mudge, Malmquist and Wade

3. **ADOPTION OF AGENDA**

Motion by Milford, second by Dickerson to adopt the agenda as presented. Motion carried by unanimous voice vote.

4. **APPROVAL – MINUTES OF THE OCTOBER 13, 2009 MEETING**

Motion by White, second by Bragg to approve the minutes as written. Motion carried by unanimous voice vote.

5. **PROOF OF PUBLICATION** – Mudge

6. **REVIEW OF MEETING PROCEDURES** – Rew

7. **PUBLIC HEARINGS**

A. CASE #PC-09-001: Public hearing on the request of Site Enhancement Services, on behalf of America's Best Contacts and Eye Glasses, Inc. to amend the planned commercial development plan for Metro Crossing Subdivision, related to signage.

Brent Forte, 6001 Nimitz Parkway, South Bend, IN 46628, said he is the authorized agent for America's Best Contacts and Eyeglasses, also has a memo from Kimco to speak on their behalf. Currently attached signage is limited to 15 % of the front facade. Since America's Best is in a building with several bays and the business is between Metro Drive, Denmark Drive and McDermott Street, a sign on the rear of the business will help identify the location. The standards as modified by staff and agreed to by America's Best would allow 107 sq. ft. on the rear façade. The other signs on this building are similar to our sign. Currently space on the free standing sign goes to anchors. The smaller sign will help with the smaller bays.

No one appeared in opposition.

Milford asked staff if "Retail J" (Lot 16) will be able to have a sign on the back of their building, by the retention pond? Malmquist said this change will only apply to Lot 17. This bay flairs, they are in a crook in the building, it is a different size than the others, which are rectangular and they have no problem with current signage regulations.

Rew asked if the current signs are within the recommended size and if there is concern with the bigger size in the back. Malmquist said generally the sign in back is for deliveries, not a customer entrance. Gould asked if only one on the back would be allowed at this building. Malmquist said potentially each bay could have a sign on the back.

PLANNING COMMISSION ACTION

Motion by White, second by Bragg to recommend amending the planned commercial development plan for Metro Crossing Subdivision, related to signage, as presented in the staff recommendation.

VOTE: AYE – Bragg, Gould, Graham, Hartman, Milford, Ozaydin, Rew, VanHouten and White. NAY – Dickerson. ABSTAIN – None. ABSENT - Schoeppner. Motion carried.

B. CASE #SAV-09-007: Public hearing on the request of CHA Properties, LLC and The Christian Home Association/Children's Square USA to vacate Avenue F right-of-way lying between North 6th and Curtis Streets and also to vacate the east/west alley between Avenue F and Avenue G from North 6th Street to Curtis Street, Block 3, Mill Addition. Location: Avenue F and east/west alley between North 6th Street and Curtis Street.

Joseph D. Thornton, representing the applicant, said vacating the alley and street, once the purchase of the properties is complete, will allow expansion as shown on the map included with the staff report. (Copies of CHA Properties "Conceptual Vision" were passed out to Commissioners & staff).

Carol Wood, the applicant, said this organization has been part of the community for 125 years, embedded within a safe neighborhood serving people around us and providing psychiatric treatment to children and adolescents between age 8 and 18. Currently a dormitory exists with 2 toilets for 50 students and staff. The cottages are small and we would like to relocate them to the area to the north where currently there are 5 houses. We are in process of purchasing that land. Thornton said the picture shows the new cottages in red to the north. Wood said new construction would promote jobs in the area, and enhance the neighborhood housing. There would be 3 units with common space.

Ozaydin asked if the new structures will require utilities to be moved. Malmquist said easements will be necessary for the utilities to have access.

White asked if this would be a one story building and if there will be a buffer along Avenue G? Wood said the Iowa West Foundation is providing the landscape buffer and the play space will be moved away from the street.

No one appeared in opposition.

PLANNING COMMISSION ACTION

C. Motion by VanHouten second by Bragg, to recommend vacation of Avenue F right-of-way lying between North 6th and Curtis Streets and also to vacate the east/west alley between Avenue F and Avenue G from North 6th Street to Curtis Street, Block 3, Mill Addition, subject to retention of utility easements.

VOTE: AYE – Bragg, Dickerson, Gould, Graham, Hartman, Milford, Ozaydin, Rew, VanHouten and White. NAY – None. ABSTAIN – None. ABSENT – Schoeppner. Motion carried.

8. OTHER BUSINESS

A. City Council update. Wade went over the action from the previous night's Council meeting. He said the rezoning request for Virgil Anderson will go to third consideration on November 23rd. The conditional use should include a five year sunset to get the grading completed in a timely fashion. Malmquist said the conditional use would have a five year term limit, then go back to the Board. If any change of ownership occurs, they will also have to go to the Board of Adjustment. The final grade shows 1 to 10 and 1 to 15 slopes. Location and volume to be removed will be reviewed annually with permit. Railroad Highway is the only access point. The hours of grading will be 7 a.m. to 7 p.m. If that changes, they will need to notify abutting property owners along with the Public Works Department. A lot will fall on the City for enforcement. Wade said after five years if they are not complete, the Board must review.

B. Other items of interest – Malmquist said she and Tamra Madsen, Assistant City Attorney participated in the public hearing by the City Development Board on the Airport annexation. It was approved. There is a thirty day period before final written documentation will be received from the State. Brad Knott was there representing the airport.

9. **ADJOURNMENT** – Rew adjourned the meeting at 6:30 p.m.